

SEP 19 2006

Applicant No.: 10/776,176
Amdt. dated Sept 19, 2006
Reply to Office action of Aug 23, 2006

REMARKS/ARGUMENTS

Claims 1-21 remain cancelled. Claims 22, 28, 38 and 44 are currently amended. All the other claims have been previously presented.

In the Office Action, the Examiner has stated that the amendment filed 3-2-2006 included claims drawn to a non-elected species. The above amendments have been made to render the filed claims drawn to an elected species. Indeed independent claim 22 now includes the limitation:

"directing a separating flow of fluid towards the stream of particles, the separating flow of fluid flowing substantially along a separating flow of fluid direction, the separating flow of fluid being a jet stream having a velocity and density such that the velocity pressure of the separating flow of fluid produces a separating impact force on the particles of the first and second types, the separating impact force being of a magnitude and a duration such that the particles of the first and second types are separated respectively in a first and a second substream of particles, the first substream of particles including a higher proportion of particles of the first type relative to the total number of particles than the proportion of particles of the first type relative to the total number of particles present in the stream of particles, the second substream of particles including a higher proportion of particles of the second type relative to the total number of particles than the proportion of particles of the second type relative to the total number of particles present in the stream of particles"

which the Applicant respectfully submits is directed to the separation of particles.

Also, independent claim 38 now includes the following limitations:

"An apparatus for separating processing a stream of particles into particle groups (...)

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- f. a transfer chamber 13, 106, positioned substantially adjacent said dilution treatment chamber 12, 102;
- g. another nozzle including
 - i. - an other nozzle inlet 40, in fluid communication with said source of compressed fluid;
 - ii. - an other nozzle outlet 41, in fluid communication with said chamber passageway 20; and
 - iii. - another nozzle passageway 43, extending between said other nozzle inlet and said other nozzle outlet; and
- h. - a transfer aperture 24, 110, extending between said dilution treatment chamber 12, 102, and said transfer chamber 13, 106, said transfer aperture 24, 110, being substantially opposed to said other nozzle output 41, with respect to said transfer chamber 13, 106, said transfer aperture 24, 110, being substantially in register with said other nozzle output 41."

which the Applicant respectfully submits are directed to the separation of particles.

All the other claims present in the application depend directly or indirectly on these two claims. Accordingly, the Applicant respectfully submits that all the claims currently on file in the application are now drawn to the elected species.

Regarding the patentability over the prior art cited by the Examiner in the previous Office Action, the Applicant respectfully submits that the arguments presented in the last office action response, which is hereby incorporated by reference, are still valid for the currently amended and previously presented claims and that the claims distinguish over the prior art cited in the corresponding prior office action for these reasons.

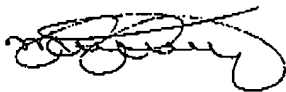
It is respectfully submitted that when the rejection of the claims be reviewed in light of Applicant's arguments, the invention without a doubt should be considered patentably distinguished over the currently applied references. It is now believed the above application is in order for Allowance and such action would be appreciated.

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RESPECTFULLY SUBMITTED

MICHEL COUTURE, Applicant

By :



Michel Couture